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March 19, 2018

The Honorable Tonianne J. Bongiovanni  
United States District Judge and Magistrate Judge  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

**Re: *In re FieldTurf Artificial Turf Marketing and Sales Practices Litigation*,  
No. 3:17-md-02779 (MAS)(TJB)**

Dear Judge Bongiovanni:

We are Plaintiffs' Liaison Counsel in the above-referenced litigation, and we write on behalf of all parties. In accordance with the Court's November 27, 2017 Letter Order (ECF 78), the parties jointly submit this short update on the status of the case and a brief agenda of items already pending before Your Honor or percolating among the parties.

Status of the Case

Discovery is underway. The parties have exchanged their Initial Disclosures and initial Requests for Production. The parties have agreed on search terms and custodians, with the exception of the issues discussed in the December 15, 2017 joint letter to Your Honor (ECF 86) and Defendants' subsequent February 2, 2018 letter (ECF 97). Each side also has served document subpoenas on non-parties. In addition, the parties have been discussing the scope of search and collection procedures for sources of electronic discovery. The parties have also been discussing issues relating to discovery from certain class and individual plaintiffs.

Plaintiffs withdraw their request for a formal, Rule 23 notice (ECF 79) in light of a stipulation the parties have reached concerning notice of proposed class members' field repair or replacement (Exhibit A).

On January 18, 2018, Defendants filed a partial motion to dismiss the Consolidated Amended Class Action Complaint. Plaintiffs' opposition will be filed today, March 19, 2018. Defendants' reply memorandum is due April 18, 2018.

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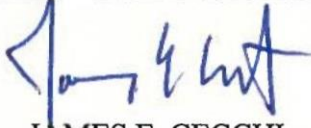
Proposed Agenda of Issues for March 22, 2018

The parties respectfully propose to address the following issues during the March 22, 2018 telephonic conference:

- The parties' disputes concerning search parameters. These disputes are discussed in ECF 86, 87, & 97.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO



JAMES E. CECCHI

cc: All Counsel of Record (via ECF)

## **EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE FIELDTURF ARTIFICIAL TURF  
MARKETING AND SALES PRACTICES  
LITIGATION

Civil Action No. 17-md-02779 MAS TJB

**STIPULATION AND [PROPOSED] ORDER ON NOTICE OF  
PUTATIVE CLASS MEMBERS' FIELD REPLACEMENT**

A. The purpose of this Stipulation and Order is to describe the procedures for notice of repair or replacement of Duraspine Turf Fields or components of Duraspine Turf Fields in situ at the putative class members' sports fields.<sup>1</sup>

B. If Plaintiffs become aware of members of the alleged class, including but not limited to Named Plaintiffs, that plan on undertaking repair or replacement of such turf, Plaintiffs will give Defendants written notice of the scheduled repair or replacement dates promptly upon any such date being scheduled. Likewise, Defendants will give Plaintiffs written notice of any scheduled repair or replacement of such turf at any putative class member's fields of which they become aware promptly upon any such date being scheduled. The provisions of this paragraph B do not apply to routine repairs, field maintenance, or grooming.

C. With respect to a notice provided by Defendants, if Plaintiffs wish to inspect the field before the scheduled repair or replacement, they shall promptly (and in any event no later than three (3) days after receipt of Defendants' notice) advise Defendants of their intent to

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<sup>1</sup> The Consolidated Amended Complaint (ECF 69) alleges that the members of putative class are: "All persons or entities in the United States and its territories who purchased one or more Duraspine Turf fields for their own use and not for resale. Excluded from the Class are FieldTurf, or its affiliates, subsidiaries, agents, board members, directors, officers, and/or employees. Also excluded from the Class are authorized Duraspine Turf field installers." (¶ 191.)

inspect the field and propose a date for the inspection before the scheduled repair or replacement, and, subject to the customer's consent, Plaintiffs may inspect the field on the proposed date or such other date as the parties may agree. Nothing in this Stipulation shall be construed as an agreement by either party that any inspection is necessary or appropriate.

D. Plaintiffs withdraw their request to issue notice to members of the putative class as set forth in their letter to the Court dated November 27, 2017.

Dated: March 16, 2018

s/ Christopher A. Seeger

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